



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/194,367	11/24/1998	DENNIS J. DUPRAY	1003-PUS	3112
7590 03/05/2009				
DENNIS J. DUPRAY 1801 BELVEDERE STREET GOLDEN,, CO 80401			EXAMINER PHAN, DAO LINDA	
			ART UNIT	PAPER NUMBER
			3662	
			MAIL DATE	DELIVERY MODE
			03/05/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/194,367

Applicant(s)

DUPRAY ET AL.

Examiner

Dao L. Phan

Art Unit

3662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 85, 88, 90-91, 94-99, 106-107, 113-116, 118-130, 132, 135, 137-138, 140-143, 159-161, 165, 172, 179-180, 182, 185-188, 191-193, 195, 202, 249, 251, 253, 258, 264, 267-268, 273, 277-279, 281-282, 286, 290-297, 299-300, 312-326, 329-335, 338, 343-344, 346-348, 350-357, 359-361, 369-370, 373-375, 381-382, 384-386, 397-398, 400-401, 410, 412-422, 425-426, 428, 430, 432, 434-435, 437-510 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) 97-99, 106-107, 113-116, 118-130, 132, 135, 137-138, 140-143, 159-161, 165, 172, 179, 187-188, 191-193, 195, 202, 249, 253, 258, 264, 267-268, 273, 277-279, 281-282, 286, 290-297, 299-300, 312-326, 329-335, 338, 343-344, 346-348, 350-357, 359-361, 369-370, 373-375, 381-382, 384-386, 397-398, 400-401, 410, 412-422, 425-426, 428, 430, 432, 434-435, 437-510 is/are allowed.

6) ☒ Claim(s) 85, 88, 90-91, 94-96, 180, 182, 185, 186, 251 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

1. A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim.

A claim which depends from a dependent claim should not be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n).

2. Claims 85, 88, 90-91, 94-96, 180, 182, 185, 186, 251 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 85, "wherein for locating the mobile station M in at least one location, at least one of said first and second geographical indications for M is dependent upon a delay time of a signal from **at least one non-terrestrial wireless transmitter above**" is claimed. This is unclear as there is no **at least one non-terrestrial wireless transmitter above** claimed before this claimed feature.

Claims 88, 90-91, 94-96, 180, 182, 185, 186, 251 depend from indefinite antecedent claim.

3. Claims 97-99, 106-107, 113-116, 118-130, 132, 135, 137-138, 140-143, 159-161, 165, 172, 179, 187-188, 191-193, 195, 202, 249, 253, 258, 264, 267-268, 273, 277-279, 281-282, 286, 290-297, 299-300, 312-326, 329-335, 338, 343-344, 346-348, 350-357, 359-361, 369-370, 373-375, 381-382, 384-386, 397-398, 400-401, 410, 412-422, 425-426, 428, 430, 432, 434-435, 437-510 are allowed.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dao L. Phan whose telephone number is (571)272-6976. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on (571)272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.